

I want to take my niece to DisneyWorld. She is 8 years old and has been living with me since she was four years old. What documents would I need to provide on her behalf?

Sincerely,

Anxious in Arima

Most people like to take their children with them when they vacation, so we see a lot of children applying for visas at the Embassy; but, not all parents are prepared for the interview. If you want to apply for a visa for your child to the United States, then you need to show that you are the father, mother, or legal guardian of the child. If you are the child's mother or father, you should bring the child's birth certificate and your own personal identification along with the rest of the normal application. If you are not the mother or father, but you are the child's legal guardian, you will need to bring court documents to prove this, along with your own identification and standard visa application.

Under normal circumstances, if you are not the mother, father, or legal guardian of a child, you cannot apply for a visa on behalf of that child. We understand that many children may live with aunts and uncles or grandparents because the child's parents are absent for various reasons. To apply for a visa for a child, though, you must legally be the child's guardian, and if you are the legal guardian of the child then you need to provide the court order declaring you as such. So, if you want to take your niece to the U.S. but are not the legal guardian, then you cannot apply for the child at all; her parents must apply for her.

The reason we require parents or legal guardians apply on behalf of their children for a visa is because the United States Government is committed to combating child smuggling and international parental abduction. Another requirement, therefore, is that if one parent of a child cannot be present at the interview, the applying parent must provide a letter of consent, signed by the other parent that grants permission for the child to travel to the United States. It may be difficult to get a letter if an absent mother or father does not live in Trinidad or Tobago, or has no presence in the child's life; but, even if the other parent has been absent for years, it does not mean that you can just skip this step. You still need consent from the other parent, or you will have to get legal proof that you are the sole legal guardian. So, if you are a single parent and it is impossible to contact the other parent, you may want to consider a court custody order that gives you legal full custody of your child.

Lastly, it is important thing to remember that as a minor your child has to qualify for the visa based on you, the parent or legal guardian. That is, if your child is under 18 years old, whether or not he or she receives a visa depends on you, the parent or guardian. So, if you remember the first "Ask the Consul", be prepared to demonstrate your own ties, travel history, current visas, etc., in addition to proving that you are the parent or legal guardian.